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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TEOFIL BRANK,

Defendant.

CR No. 15-00131-JFW

GOVERNMENT'S STATEMENT OF NON-  
OPPOSITION TO MOTION FOR ORDER  
PROTECTING PRIVACY OF VICTIM  
PURSUANT TO CRIME VICTIM'S ACT, 18  
U.S.C. § 3771

Hearing Date: April 6, 2015

Hearing Time: 9:00 a.m.

Location: Courtroom of the  
Hon. John F. Walter

Plaintiff United States of America, by and through its counsel  
of record, the Acting United States Attorney for the Central District  
of California and Assistant United States Attorney Kimberly D.  
Jaimez, hereby files this Statement of Non-Opposition to Victim's  
Motion for Order Protecting Privacy of Victim Pursuant To Crime  
Victim's Act, 18 U.S.C. § 3771, submitted to the Court on March 30,  
2015 by the Victim.

It is the government's position that the Crime Victims Rights  
Act, 18 U.S.C. §§ 3771(a)(8), (a)(1) gives the Victim a right to

1 privacy in the current stage of the proceedings. Here, the Victim  
2 would like to prevent disclosure (to the public) of the Victim's  
3 identity pre-trial. Without the requested protection, the Victim  
4 would likely suffer reputational harm similar to the very harm  
5 threatened by defendant in the criminal extortion and blackmail  
6 conduct alleged in this case. Temporary non-disclosure of the  
7 Victim's identity as requested would, at least, afford the Victim an  
8 opportunity to manage and mitigate any forthcoming reputational  
9 damage, which could result from a trial.

10 Courts have held that the disclosure of a victim's identity in  
11 the public record prior to trial could amount to a "a clearly defined  
12 and serious injury to the victim," in violation of the Act. United  
13 States v. Patkar, Cr. No. 06-00250-JMS, 2008 WL 233062, at \*5-6 (D.  
14 Hawaii Jan. 28, 2008). Furthermore, courts have held that such harm  
15 appears to far outweigh any right the public may have to disclosure  
16 of a victim's name. Id., at \*6 ("it is not clear that the public's  
17 interest in disclosure of discovery material, never made part of the  
18 public record, can override the [Act]'s clear Congressional mandate"  
19 to treat victims with fairness and with respect to their privacy).

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1       As such, the government does not oppose the Victim's motion at  
2 this time.

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4  
5 Dated: March 31, 2015

Respectfully submitted,

6                   STEPHANIE YONEKURA  
Acting United States Attorney

7                   ROBERT E. DUGDALE  
8                   Assistant United States Attorney  
9                   Chief, Criminal Division

10                                   /s/  
11                                   \_\_\_\_\_  
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Assistant United States Attorney

12                   Attorneys for Plaintiff  
13                   UNITED STATES OF AMERICA  
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